

Executive Summary – Enforcement Matter – Case No. 41727

Valero Refining Texas LP

RN100238385

Docket No. 2011-0991-AIR-E

Order Type:

Findings Agreed Order

Findings Order Justification:

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Valero Refining Texas City Refinery, 1301 Loop 197 South, Texas City, Galveston County

Type of Operation:

Oil refinery

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket Nos. 2010-0924-AIR-E and 2010-0909-MLM-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: October 21, 2011

Comments Received: No

Penalty Information

Total Penalty Assessed: \$10,000

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$5,000

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$5,000

Name of SEP: Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: Yes

Statutory Limit Adjustment: \$-36,700

Applicable Penalty Policy: September 2002

Executive Summary – Enforcement Matter – Case No. 41727
Valero Refining Texas LP
RN100238385
Docket No. 2011-0991-AIR-E

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: March 7, 2011
Date(s) of NOE(s): May 2, 2011

Violation Information

Failed to prevent unauthorized emissions. Since the emissions event could have been avoided by better operational and/or maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c), 101.20(3) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit O1253, Special Terms and Conditions No. 10, and New Source Review Permit Nos. 39142 and PSD-TX-882M2, Special Conditions No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Executive Director recognizes that by March 5, 2011, the Respondent cleared the absorber stripper feed drum line with steam, installed a high range transmitter on unstabilized naptha, and installed high flow alarms.

Technical Requirements:

The Order will require the Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Audra Benoit, Enforcement Division, Enforcement Team 5, MC R-10, (409) 899-8799; Debra Barber, Enforcement Division, MC 219, (512) 239-0412
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565

Executive Summary – Enforcement Matter – Case No. 41727
Valero Refining Texas LP
RN100238385
Docket No. 2011-0991-AIR-E

Respondent: Adrian Araiza, Manager – Environmental Affairs, Valero Refining Texas LP, P.O. Box 3429, Texas City, Texas 77592-3429
Sal Viscontini, Plant Manager, Valero Refining Texas LP, P.O. Box 3429, Texas City, Texas 77592-3429

Respondent's Attorney: N/A

Attachment A
Docket Number: 2011-0991-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

| | |
|--------------------------------|--|
| Respondent: | Valero Refining Texas LP |
| Payable Penalty Amount: | Ten Thousand Dollars (\$10,000) |
| SEP Amount: | Five Thousand Dollars (\$5,000) |
| Type of SEP: | Pre-approved |
| Third-Party Recipient: | Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program |
| Location of SEP: | Texas Air Quality Control Region 216 – Houston-Galveston |

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to **Houston-Galveston AERCO** for the **Clean Cities/Clean Vehicles Program** as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality Funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, NOx reduction catalyst technology in combination with diesel particulate filters, and other

Valero Refining Texas LP
Agreed Order - Attachment A

emission control technologies that are developed and approved by EPA or the California Air Resources Board.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions of buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Houston-Galveston Area Council
Houston-Galveston AERCO
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

Concurrent with the payment of the SEP amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the Enforcement Division SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

| | | | | | | |
|--------------|-----------------|-------------|------------------|-------------|----------------|-------------|
| DATES | Assigned | 9-May-2011 | Screening | 26-May-2011 | EPA Due | 20-Feb-2012 |
| | PCW | 22-Jun-2011 | | | | |

RESPONDENT/FACILITY INFORMATION

| | | | |
|-----------------------------|--------------------------|---------------------------|-------|
| Respondent | Valero Refining Texas LP | | |
| Reg. Ent. Ref. No. | RN100238385 | | |
| Facility/Site Region | 12-Houston | Major/Minor Source | Major |

CASE INFORMATION

| | | | |
|--|-----------------|------------------------------|--------------------|
| Enf./Case ID No. | 41727 | No. of Violations | 1 |
| Docket No. | 2011-0991-AIR-E | Order Type | Findings |
| Media Program(s) | Air | Government/Non-Profit | No |
| Multi-Media | | Enf. Coordinator | Audra Benoit |
| | | EC's Team | Enforcement Team 5 |
| Admin. Penalty \$ Limit Minimum | | \$0 | Maximum |
| | | | \$10,000 |

Penalty Calculation Section

| | | |
|---|-------------------|----------|
| TOTAL BASE PENALTY (Sum of violation base penalties) | Subtotal 1 | \$10,000 |
|---|-------------------|----------|

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

| | | | |
|---------------------------|--------------------|--------------------------------|----------|
| Compliance History | 392.0% Enhancement | Subtotals 2, 3, & 7 | \$39,200 |
|---------------------------|--------------------|--------------------------------|----------|

Notes Enhancement for nine NOV's with same/similar violations, 16 NOV's with dissimilar violations, 11 orders with a denial of liability and four orders without a denial of liability. Reduction for five notices of intended audit.

| | | | | |
|--------------------|----|------------------|-------------------|-----|
| Culpability | No | 0.0% Enhancement | Subtotal 4 | \$0 |
|--------------------|----|------------------|-------------------|-----|

Notes The Respondent does not meet the culpability criteria.

| | | |
|--|-------------------|---------|
| Good Faith Effort to Comply Total Adjustments | Subtotal 5 | \$2,500 |
|--|-------------------|---------|

| | | | |
|-------------------------|-------------------|-------------------|-----|
| Economic Benefit | 0.0% Enhancement* | Subtotal 6 | \$0 |
|-------------------------|-------------------|-------------------|-----|

Total EB Amounts \$15
Approx. Cost of Compliance \$3,500
*Capped at the Total EB \$ Amount

| | | |
|-----------------------------|-----------------------|----------|
| SUM OF SUBTOTALS 1-7 | Final Subtotal | \$46,700 |
|-----------------------------|-----------------------|----------|

| | | | |
|---|------|-------------------|-----|
| OTHER FACTORS AS JUSTICE MAY REQUIRE | 0.0% | Adjustment | \$0 |
|---|------|-------------------|-----|

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

| | |
|-----------------------------|----------|
| Final Penalty Amount | \$46,700 |
|-----------------------------|----------|

| | | |
|-----------------------------------|-------------------------------|----------|
| STATUTORY LIMIT ADJUSTMENT | Final Assessed Penalty | \$10,000 |
|-----------------------------------|-------------------------------|----------|

| | | | |
|-----------------|----------------|-------------------|-----|
| DEFERRAL | 0.0% Reduction | Adjustment | \$0 |
|-----------------|----------------|-------------------|-----|

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

| | |
|------------------------|----------|
| PAYABLE PENALTY | \$10,000 |
|------------------------|----------|

Screening Date 26-May-2011

Docket No. 2011-0991-AIR-E

PCW

Respondent Valero Refining Texas LP

Policy Revision 2 (September 2002)

Case ID No. 41727

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100238385

Media [Statute] Air

Enf. Coordinator Audra Benoit

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

| Component | Number of... | Enter Number Here | Adjust. |
|-------------------------------|--|-------------------|---------|
| NOVs | Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>) | 9 | 45% |
| | Other written NOVs | 16 | 32% |
| Orders | Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>) | 11 | 220% |
| | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 4 | 100% |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>) | 0 | 0% |
| | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government | 0 | 0% |
| Convictions | Any criminal convictions of this state or the federal government (<i>number of counts</i>) | 0 | 0% |
| Emissions | Chronic excessive emissions events (<i>number of events</i>) | 0 | 0% |
| Audits | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>) | 5 | -5% |
| | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>) | 0 | 0% |
| Please Enter Yes or No | | | |
| Other | Environmental management systems in place for one year or more | No | 0% |
| | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program | No | 0% |
| | Participation in a voluntary pollution reduction program | No | 0% |
| | Early compliance with, or offer of a product that meets future state or federal government environmental requirements | No | 0% |

Adjustment Percentage (Subtotal 2) 392%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for nine NOVs with same/similar violations, 16 NOVs with dissimilar violations, 11 orders with a denial of liability and four orders without a denial of liability. Reduction for five notices of intended audit.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 392%

Screening Date 26-May-2011

Docket No. 2011-0991-AIR-E

PCW

Respondent Valero Refining Texas LP

Policy Revision 2 (September 2002)

Case ID No. 41727

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100238385

Media [Statute] Air

Enf. Coordinator Audra Benoit

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c), 101.20(3) and 122.143(4), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit O1253, Special Terms and Conditions No. 10, and New Source Review Permit Nos. 39142 and PSD-TX-882M2, Special Conditions No. 1

Violation Description

Failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 18,790 pounds ("lbs") of sulfur dioxide, 203.71 lbs of hydrogen sulfide, 479 lbs of carbon monoxide, 66.36 lbs of nitrogen oxide and 1,525 lbs of volatile organic compounds were released from Flare Stack Nos. 1, 3 and 5 during an avoidable emissions event (Incident No. 150148) that began on February 2, 2011 and lasted three hours and 34 minutes. The event occurred due to plugging of the Absorber Feed Drum L126630 Top Tap causing a false indication on D-986, which resulted in D-986 overfilling and an increased liquid loading to the upper section of the Absorber Strip Tower (A-166). This caused a high level trip of the Wet Gas Compressor which resulted in flaring. Since the emissions event could have been avoided by better operational and/or maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty

\$10,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Major | Moderate | Minor |
|-----------|-------|----------|-------|
| Actual | X | | |
| Potential | | | |

Percent 100%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | | | |

Percent 0%

Matrix Notes

Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment

\$0

\$10,000

Violation Events

Number of Violation Events

1

1

Number of violation days

mark only one with an x

| | |
|--------------|---|
| daily | X |
| weekly | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | |
| single event | |

Violation Base Penalty

\$10,000

One daily event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$2,500

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

(mark with x)

Notes

The Respondent completed corrective actions for this violation on March 5, 2011, prior to the May 2, 2011 Notice of Enforcement.

Violation Subtotal

\$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

\$15

Violation Final Penalty Total

\$46,700

This violation Final Assessed Penalty (adjusted for limits)

\$10,000

Economic Benefit Worksheet

Respondent Valero Refining Texas LP
Case ID No. 41727
Reg. Ent. Reference No. RN100238385
Media Air
Violation No. 1

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|

No commas or \$

Delayed Costs

| | | | | | | | |
|--------------------------|---------|------------|------------|------|------|-----|------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | \$3,500 | 2-Feb-2011 | 5-Mar-2011 | 0.08 | \$15 | n/a | \$15 |

Notes for DELAYED costs

Estimated costs to steam clear the absorber stripper feed drum line, install a high range transmitter on un-stabilized naptha, and install high flow alarms. The date required is the date of the emissions event. The final date is the date corrective actions were implemented.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

| | | | | | | | |
|-------------------------------|--|--|--|------|-----|-----|-----|
| Disposal | | | | 0.00 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.00 | \$0 | \$0 | \$0 |
| Supplies/equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,500

TOTAL

\$15

Compliance History

| | | | | |
|-------------------------------------|-------------|--|-------------------------|-------------------|
| Customer/Respondent/Owner-Operator: | CN600127468 | Valero Refining Texas LP | Classification: AVERAGE | Rating: 10.56 |
| Regulated Entity: | RN100238385 | VALERO REFINING TEXAS CITY REFINERY | Classification: AVERAGE | Site Rating: 8.34 |

| | | | |
|---------------|-------------------------------|----------------|--------------|
| ID Number(s): | | | GB0073P |
| | AIR OPERATING PERMITS | ACCOUNT NUMBER | |
| | AIR OPERATING PERMITS | PERMIT | 1253 |
| | AIR OPERATING PERMITS | PERMIT | 2599 |
| | AIR OPERATING PERMITS | PERMIT | 2599 |
| | POLLUTION PREVENTION PLANNING | ID NUMBER | P00523 |
| | WASTEWATER | PERMIT | WQ0000449000 |
| | WASTEWATER | EPA ID | TX0006009 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 93329 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 92271 |
| | AIR NEW SOURCE PERMITS | PERMIT | 39142 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 48330 |
| | AIR NEW SOURCE PERMITS | ACCOUNT NUMBER | GB0073P |
| | AIR NEW SOURCE PERMITS | PERMIT | 962 |
| | AIR NEW SOURCE PERMITS | PERMIT | 8352 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 53530 |
| | AIR NEW SOURCE PERMITS | EPA ID | PSDTX822 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 75542 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 75695 |
| | AIR NEW SOURCE PERMITS | AFS NUM | 4816700007 |
| | AIR NEW SOURCE PERMITS | EPA ID | PSDTX822M2 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 71076 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 72517 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 73799 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 76530 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 76967 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 77806 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 79850 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 79881 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 80059 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 80581 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 81005 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 81523 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 81621 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 81695 |

| | | |
|--------------------------------|----------------------------------|--------------|
| AIR NEW SOURCE PERMITS | REGISTRATION | 82055 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 84258 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 95293 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 87844 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 87694 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 95576 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 83921 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 82462 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 84166 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 84575 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 82434 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 91499 |
| INDUSTRIAL AND HAZARDOUS WASTE | SOLID WASTE REGISTRATION # (SWR) | 30011 |
| INDUSTRIAL AND HAZARDOUS WASTE | EPA ID | TXD000792937 |
| WASTE WATER GENERAL PERMIT | PERMIT | TXG670007 |
| AIR EMISSIONS INVENTORY | ACCOUNT NUMBER | GB0073P |

Location: 1301 LOOP 197 S, TEXAS CITY, TX, 77590

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: June 24, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: May 26, 2006 to May 26, 2011

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Audra Benoit Phone: (409) 899-8799

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator?
N/A
4. If Yes, who was/were the prior owner(s)/operator(s)?
N/A
5. When did the change(s) in owner or operator occur?
N/A
6. Rating Date: 9/1/2010 Repeat Violator: NO

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 10/19/2006

ADMINORDER 2006-0549-IWD-E

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limits PERMIT

Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

Effective Date: 05/11/2007

ADMINORDER 2006-0012-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(i)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to install continuous emissions monitoring systems ("CEMS") on boilers B-07 and B-11 by March 31, 2005.

Effective Date: 08/23/2007

ADMINORDER 2006-1067-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 112, SubChapter B 112.31
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Flexible Air Permit No. 39142, SC1 PERMIT

Description: As evidenced by Findings of Fact No. 12, Valero failed to prevent unauthorized emissions that exceeded the fence line H2S concentration limit during an emissions event that started on October 4, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 39142, SC No. 1 PA

Description: Failure to prevent an overpressure condition resulting in unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 39142, SC No. 1 PA

Description: Failure to prevent a control valve malfunction resulting in unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 39142, SC No. 1 PA

Description: Failure to maintain calibration of a level indicator resulting in unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to submit final report no later than two weeks after end of emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)

5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to submit a final report no later than two weeks after the end of an emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 39142, SC No. 1 PA

Description: Failure to prevent a control valve malfunction resulting in unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 39142 SC No. 1 PA

Description: Failure to prevent a control valve malfunction resulting in unauthorized emissions

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: 39142, SC No. 1 PA
Description: Failure to prevent a tank overflow resulting in unauthorized emissions.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failure to provide preconstruction authorization number on final report.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: 39142, SC 1 PA
Description: Exceeded permit limits during an avoidable emissions event.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: 39142, SC No. 1 PA
Description: Exceeded permit limits during an avoidable emissions event.

Effective Date: 11/19/2007

ADMINORDER 2006-0468-MLM-E

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: No. 39142, SC No. 1 PA
Description: Failed to prevent unauthorized emissions from Flare Nos. 2 and 3 (EPN EFL-02 and EFL-03) during an emissions event which occurred on October 13, 2005 in the Utilities Unit and lasted 2 hours and 15 minutes, as documented during a record review conducted on February 8, 2006. Since this emissions event was avoidable, Valero failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 39142, SC No. 1 PA
Description: Failed to prevent unauthorized emissions from Flare Nos. 2, 3 and 4 (EPN EFL-02, EFL-03 and EFL-04) during an emissions event which occurred on November 28, 2005 in the Utilities Unit and lasted 24 hours and 29 minutes, as documented during a record review conducted on January 25, 2006. Since this emissions event was avoidable, Valero failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: No. 39142, SC No. 1 PA
Description: Failed to prevent unauthorized emissions from the Incinerator Stack (EPN EG-18-1403) during an emissions event which occurred on September 20, 2005 in the Gas-Oil Hydrotreater (GOHT) Unit (PRU) and lasted 55 hours, as documented during an investigation conducted on November 29, 2005. Since this emissions event was avoidable, Valero failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: 39142 PA

Description: Failed to prevent unauthorized emissions during a September 25, 2006 emissions event, as documented during a record review conducted on November 29, 2006. Specifically, during the September 25, 2006 emissions event the following unauthorized emissions were released from the No. 2 and No. 3 Flare over a period of fifty-five minutes: 2,101 lbs of sulfur dioxide, 328.5 lbs of volatile organic compounds, 191 lbs of carbon monoxide, and 26.4 lbs of nitrogen oxides.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter G 116.715(a)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 39142, SC No. 1 PA

Description: Failed to prevent unauthorized emissions and failure to operate a flare with a flame present during an October 14, 2006 emissions event, as documented during a record review conducted on December 13, 2006. Specifically, on October 14, 2006 through October 15, 2006, over a period of 4 hours and 14 minutes, Flare No. 3 (EPN EFL-03) located in the Utilities Unit, emitted 1,333.4 lbs of ethylene and 1,394.5 lbs of propane. Flexible Air Permit No. 39142 does not authorize any upset emissions.

Effective Date: 06/19/2008

ADMINORDER 2007-1512-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 39142, Special Condition No. 1 PERMIT

Description: As evidenced by Findings of Fact No. 3, Valero failed to prevent unauthorized emissions during a May 9, 2007 emissions event, in violation of Air Permit No. 39142, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was avoidable the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to prevent an affirmative defense were not met.

Effective Date: 07/03/2008

ADMINORDER 2007-2039-AIR-E

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 39142, Special Condition No. 1 PERMIT

Description: Failed to maintain an emission rate below the maximum allowable emission limits from Boiler 27 [emission point number ("EPN EB-27")], Boiler 28 ("EPN EB-28"), No. 1 Flare Stack ("EPN EFL-01"), No. 2 Flare Stack ("EPN EFL-02"), No. 3 Flare Stack ("EPN EFL-03"), and No. 4 Flare Stack ("EPN EFL-04").

Effective Date: 12/04/2008

ADMINORDER 2008-0893-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: No. 39142, Special Condition No. 1 PERMIT

Description: Exceeded permit limits during an avoidable emissions event.

Effective Date: 02/08/2009

ADMINORDER 2008-1341-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 39142, Special Conditon No. 1 PERMIT

Description: Valero failed to maintain the lube oil level in the compressor mainframe reservoir.

Effective Date: 02/22/2009

ADMINORDER 2007-1234-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: #39142, SC #1 PA

Description: As evidenced by Findings of Fact No. 3, Valero failed to prevent unauthorized emissions

during Incident Nos. 62478 and 62479, in violation of Air Permit No. 39142, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions were avoidable and excessive, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to prevent an affirmative defense were not met.

Effective Date: 08/23/2009

ADMINORDER 2007-1813-MLM-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 39142, SC No. 1 PA

Description: Valero failed to prevent unauthorized emissions during a December 11, 2006 emissions event in the Toppers Unit, No. 3 Crude Unit, Fluidized Catalytic Cracking Unit, Alkylation Unit, Utilities Unit, and the Delayed Coker Unit, in violation of Air Permit No. 39142, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was avoidable Valero was unable to meet the demonstration criteria for an affirmative defense.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 39142, SC 1 PA

Description: Valero failed to prevent unauthorized emissions during a January 19, 2007 emissions event in the Fluidized Catalytic Cracking Unit, in violation of Air Permit No. 39142, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was avoidable Valero was unable to meet the demonstration criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 39142, SC No. 1 PA

Description: Valero failed to prevent unauthorized emissions during an emissions event in the No. 1 and 2 Toppers Unit that started on January 28, 2007, in violation of Air Permit No. 39142, Special Condition No. 1, 40 CODE OF FEDERAL REGULATIONS § 60.18(b), 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was avoidable Valero was unable to meet the demonstration criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 39142, SC No. 1 PERMIT

Description: Valero failed to prevent unauthorized emissions during a March 4, 2007 emissions event in the Sats Gas Unit, in violation of Air Permit No. 39142, Special Condition No. 1, 40 CODE OF FEDERAL REGULATIONS § 60.18(b), 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was avoidable Valero was unable to meet the demonstration criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

Effective Date: 09/21/2009

ADMINORDER 2009-0448-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: 39142, Special Conditon No. 1 PERMIT

Description: Failure to prevent unauthorized emissions. Failure to prevent Level Indicator LI-15142 on A-82 Vacuum Tower from malfunctioning.

Effective Date: 10/31/2009

ADMINORDER 2007-1413-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: NSR 39142, SC 2A PERMIT
NSR 39142, SC 4A PERMIT
Title V O-01253, SC 1A OP
Title V O-01253, SC 22 OP

Description: Failed to maintain the net heating value of the gas being combusted by assisted flares at 300 British thermal units per standard cubic foot ("Btu/scf") or greater.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(7)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: NSR 39142, SC 2A PERMIT
NSR 39142, SC 4A PERMIT
Title V O-01253, SC 1A OP
Title V O-01253, SC 22 OP

Description: Failed to operate an assisted flare with an exit velocity of less than 60 feet per second ("ft/sec").

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: NSR 39142, SC 13C PERMIT
NSR 39142, SC 2A PERMIT
NSR 39142, SC 4A PERMIT
Title V O-01253, SC 1A OP
Title V O-01253, SC 22 OP

Description: Failed to operate flares with visible emissions not to exceed five minutes during any consecutive two hour period.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1566(a)(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Title V O-01253, SC 1A OP

Description: Failed to maintain the daily average combustion zone temperature of Reformer Heater H-REF2 above 1279.3 degrees Fahrenheit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: NSR 39142, SC 2C PERMIT
Title V O-01253, SC 1A OP
Title V O-01253, SC 22 OP

Description: Failed to prevent the discharge of sulfur dioxide ("SO2") to the atmosphere in excess of 250 parts per million ("ppm").

Effective Date: 01/28/2010

ADMINORDER 2009-1314-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 39142, Special Condition No. 1 PERMIT

Description: Failure to prevent unauthorized emissions. Valero failed to prevent a flashover on Gas

Circuit Breaker #3 (GCB #3), which resulted in power loss at the refinery.

Effective Date: 08/09/2010

ADMINORDER 2010-0098-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition No. 1 PERMIT

Description: The Respondent is alleged to have failed to prevent unauthorized emissions during an emissions event that occurred on September 12, 2009 and failed to operate a flare with a flame present at all times. Specifically, the Respondent released 1,507.79 pounds of unauthorized volatile organic compounds from Flare No. 3 into the atmosphere during the thirty-five minute event (Incident No. 129326).

Effective Date: 10/15/2010

ADMINORDER 2010-0390-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.729(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP No. O-01253, SC 1.H.ii OP

Description: Failed to operate combustion sources (28 heaters and three boilers) within the firing rates established during the highly reactive volatile organic compound ("HRVOC") emission testing at Heaters H-28, H-60, H-57, H-13-1451, H-16, H-17, H-13-1480, H-18 Through H-23, H-28, H-34, H-45, H-50, H-13-1401, and Boiler B-18 from July 1 through December 31, 2006 and again at Boilers B-18 and B-27 and Heaters H-1451, H-1480, H-16, H-17, H-28, H-31, H-32, H-57, H-58 and H-60 from November 13, 2007 through

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter B 115.126(1)(B)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP No. O-01253, SC 30 (formerly 28) OP
FOP O-01253, SC 1.A OP
NSR Permit 39142, SC 12A (formerly 13A). PERMIT

Description: Failed to operate flares with a minimum of 300 British thermal units per standard cubic feet net heating value for the gas being combusted by assisted flares (see Attachment B).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter B 115.126(1)(B)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 63, Subpart A 63.11(b)(7)(i)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP No. O-01253 SC 30 (formerly 28) OP
FOP No. O-01253, SC 1A OP
NSR Permit 39142, SC 12A (formerly 13A) PERMIT

Description: Failed to operate Flare FL-1 with a maximum exit velocity of 60 feet per second ("fps") intermittently between January 1, 2007 and May 23, 2007 (exit velocity ranged from 71.05 fps to 111.70 fps), for one hour on April 10, 2008 (exit velocity was 66.06 fps), and for one hour on August 24, 2008 (exit velocity was 73.67 fps).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP No. O-01253 SC 1A OP

Description: Failed to operate flares without visible emissions (emissions visible for more than five minutes in a two-hour period) from Flare FL-2 on September 25, 2007 and June 7, 2008 and from Flare FL-4 on October 29, 2007.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter B 115.112(a)(2)(B)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 63, Subpart G 63.119(c)(2)(iii)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP No. O-01253, SC 1A OP

FOP No. O-01253, SC 30 (formerly 28) OP

NSR Permit 39142, SC 4B PERMIT

Description: Failed to maintain Group 1 storage tanks free of leaks. Specifically, Tank T-478 vacuum breaker leaked for 24-hour periods on August 9, 2006, June 1, 2008, and September 14, 2009, and during each period 5.52 pounds of volatile organic compounds ("VOCs") were released; and Tank T-565 vacuum breaker leaked for 34 hours on June 17, 2008 during which 7.82 pounds of VOCs were released.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

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| 1 | 12/18/2006 | (345058) |
| 2 | 07/11/2007 | (431249) |
| 3 | 06/30/2006 | (462803) |
| 4 | 06/30/2006 | (462898) |
| 5 | 07/26/2006 | (462901) |
| 6 | 05/31/2006 | (463733) |
| 7 | 09/01/2006 | (466735) |
| 8 | 09/01/2006 | (466736) |
| 9 | 09/01/2006 | (478491) |
| 10 | 09/01/2006 | (478556) |
| 11 | 09/01/2006 | (478638) |
| 12 | 07/17/2006 | (479861) |
| 13 | 06/27/2006 | (481343) |

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| 14 | 06/30/2006 | (481516) |
| 15 | 07/19/2006 | (482178) |
| 16 | 07/06/2006 | (482247) |
| 17 | 07/26/2006 | (482594) |
| 18 | 07/19/2006 | (483638) |
| 19 | 07/19/2006 | (483715) |
| 20 | 06/30/2006 | (483867) |
| 21 | 07/14/2006 | (486365) |
| 22 | 07/15/2006 | (486391) |
| 23 | 07/21/2006 | (487175) |
| 24 | 09/01/2006 | (487342) |
| 25 | 07/21/2006 | (487390) |
| 26 | 07/21/2006 | (487892) |
| 27 | 09/01/2006 | (487896) |
| 28 | 09/01/2006 | (488020) |
| 29 | 09/01/2006 | (488032) |
| 30 | 09/01/2006 | (488134) |
| 31 | 09/01/2006 | (488176) |
| 32 | 07/25/2006 | (488179) |
| 33 | 09/01/2006 | (488191) |
| 34 | 09/01/2006 | (488541) |
| 35 | 09/01/2006 | (488559) |
| 36 | 09/01/2006 | (488624) |
| 37 | 09/01/2006 | (488633) |
| 38 | 08/25/2006 | (488734) |
| 39 | 09/01/2006 | (488740) |
| 40 | 09/01/2006 | (488979) |
| 41 | 09/01/2006 | (489434) |
| 42 | 09/01/2006 | (489467) |
| 43 | 09/01/2006 | (489815) |
| 44 | 09/01/2006 | (489837) |

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| 45 | 09/01/2006 | (489863) |
| 46 | 09/01/2006 | (489866) |
| 47 | 09/01/2006 | (490185) |
| 48 | 06/16/2006 | (498221) |
| 49 | 07/18/2006 | (498222) |
| 50 | 09/01/2006 | (508690) |
| 51 | 09/01/2006 | (509158) |
| 52 | 09/01/2006 | (509713) |
| 53 | 09/01/2006 | (509730) |
| 54 | 09/01/2006 | (509756) |
| 55 | 09/01/2006 | (509784) |
| 56 | 09/28/2006 | (509876) |
| 57 | 09/27/2006 | (512555) |
| 58 | 08/10/2007 | (512666) |
| 59 | 10/23/2006 | (512981) |
| 60 | 10/11/2006 | (514061) |
| 61 | 11/07/2006 | (516594) |
| 62 | 10/31/2006 | (517239) |
| 63 | 11/13/2006 | (518837) |
| 64 | 11/15/2006 | (519473) |
| 65 | 11/21/2006 | (519775) |
| 66 | 08/10/2006 | (520234) |
| 67 | 09/18/2006 | (520235) |
| 68 | 10/19/2006 | (520236) |
| 69 | 07/23/2007 | (531864) |
| 70 | 03/15/2007 | (531898) |
| 71 | 12/21/2006 | (532369) |
| 72 | 12/21/2006 | (532370) |
| 73 | 01/19/2007 | (532751) |
| 74 | 03/15/2007 | (533196) |

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| 75 | 01/16/2007 | (534075) |
| 76 | 02/09/2007 | (534096) |
| 77 | 02/07/2007 | (536972) |
| 78 | 04/02/2007 | (539574) |
| 79 | 05/31/2007 | (542320) |
| 80 | 04/09/2007 | (543124) |
| 81 | 04/10/2007 | (543795) |
| 82 | 04/05/2007 | (543902) |
| 83 | 03/23/2007 | (543996) |
| 84 | 02/14/2007 | (544545) |
| 85 | 11/15/2006 | (544546) |
| 86 | 12/13/2006 | (544547) |
| 87 | 01/19/2007 | (544548) |
| 88 | 04/09/2007 | (555314) |
| 89 | 05/08/2007 | (555995) |
| 90 | 05/14/2007 | (555999) |
| 91 | 04/11/2007 | (556037) |
| 92 | 04/11/2007 | (556038) |
| 93 | 04/30/2007 | (556603) |
| 94 | 04/30/2007 | (556624) |
| 95 | 04/30/2007 | (557962) |
| 96 | 05/11/2007 | (558768) |
| 97 | 05/14/2007 | (558769) |
| 98 | 05/10/2007 | (559617) |
| 99 | 05/14/2007 | (559618) |
| 100 | 05/10/2007 | (559619) |
| 101 | 05/10/2007 | (559620) |
| 102 | 06/04/2007 | (561098) |
| 103 | 06/01/2007 | (561100) |
| 104 | 06/22/2007 | (561101) |

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| 105 | 08/10/2007 | (564206) |
| 106 | 08/10/2007 | (564225) |
| 107 | 07/31/2007 | (564508) |
| 108 | 07/09/2007 | (564575) |
| 109 | 10/21/2009 | (565970) |
| 110 | 07/03/2007 | (566302) |
| 111 | 10/11/2007 | (567830) |
| 112 | 10/11/2007 | (568141) |
| 113 | 10/11/2007 | (568182) |
| 114 | 10/11/2007 | (568234) |
| 115 | 11/16/2007 | (568445) |
| 116 | 10/16/2007 | (568501) |
| 117 | 08/24/2007 | (570706) |
| 118 | 08/24/2007 | (570707) |
| 119 | 11/27/2007 | (571671) |
| 120 | 11/19/2007 | (571858) |
| 121 | 10/12/2007 | (572190) |
| 122 | 10/12/2007 | (572204) |
| 123 | 10/12/2007 | (572244) |
| 124 | 10/05/2007 | (572254) |
| 125 | 10/02/2007 | (572268) |
| 126 | 03/15/2007 | (575352) |
| 127 | 04/17/2007 | (575353) |
| 128 | 05/20/2007 | (575354) |
| 129 | 06/20/2007 | (575355) |
| 130 | 07/20/2007 | (575356) |
| 131 | 10/15/2007 | (593466) |
| 132 | 10/11/2007 | (593936) |
| 133 | 10/09/2007 | (594109) |
| 134 | 10/05/2007 | (595008) |

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| 135 | 10/17/2007 | (595009) |
| 136 | 11/19/2007 | (595089) |
| 137 | 10/10/2007 | (595720) |
| 138 | 11/19/2007 | (597629) |
| 139 | 11/19/2007 | (597934) |
| 140 | 11/19/2007 | (598398) |
| 141 | 12/21/2007 | (600245) |
| 142 | 08/20/2007 | (607555) |
| 143 | 09/20/2007 | (607556) |
| 144 | 10/19/2007 | (607557) |
| 145 | 12/05/2007 | (609936) |
| 146 | 01/30/2008 | (613666) |
| 147 | 03/25/2008 | (616898) |
| 148 | 11/15/2007 | (619522) |
| 149 | 12/17/2007 | (619523) |
| 150 | 01/18/2008 | (619524) |
| 151 | 04/25/2008 | (636923) |
| 152 | 03/03/2008 | (637489) |
| 153 | 05/15/2008 | (637714) |
| 154 | 05/23/2008 | (638602) |
| 155 | 07/07/2008 | (657176) |
| 156 | 07/08/2008 | (670867) |
| 157 | 10/16/2008 | (671077) |
| 158 | 10/16/2008 | (671086) |
| 159 | 02/20/2008 | (672044) |
| 160 | 03/14/2008 | (672045) |
| 161 | 04/18/2008 | (672046) |
| 162 | 06/06/2008 | (682334) |
| 163 | 07/21/2008 | (682766) |
| 164 | 02/12/2009 | (684569) |

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| 165 | 07/21/2008 | (684727) |
| 166 | 10/27/2008 | (686049) |
| 167 | 10/27/2008 | (686129) |
| 168 | 10/27/2008 | (686138) |
| 169 | 12/15/2008 | (686189) |
| 170 | 09/20/2008 | (686586) |
| 171 | 10/29/2008 | (686783) |
| 172 | 10/29/2008 | (686930) |
| 173 | 10/28/2008 | (686938) |
| 174 | 10/24/2008 | (687335) |
| 175 | 12/08/2008 | (687448) |
| 176 | 07/30/2008 | (687563) |
| 177 | 08/18/2008 | (687788) |
| 178 | 08/11/2008 | (688850) |
| 179 | 01/06/2009 | (689065) |
| 180 | 05/16/2008 | (689958) |
| 181 | 06/19/2008 | (689959) |
| 182 | 07/18/2008 | (689960) |
| 183 | 12/17/2008 | (700705) |
| 184 | 02/16/2009 | (700894) |
| 185 | 12/16/2008 | (701325) |
| 186 | 12/17/2008 | (701512) |
| 187 | 02/20/2009 | (702755) |
| 188 | 12/17/2008 | (703349) |
| 189 | 11/20/2008 | (703368) |
| 190 | 02/04/2009 | (704245) |
| 191 | 05/19/2009 | (704309) |
| 192 | 01/06/2009 | (706089) |
| 193 | 01/20/2009 | (706090) |
| 194 | 08/14/2008 | (710740) |

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| 195 | 09/19/2008 | (710741) |
| 196 | 10/17/2008 | (710742) |
| 197 | 12/15/2008 | (721180) |
| 198 | 02/05/2009 | (723030) |
| 199 | 03/20/2009 | (725138) |
| 200 | 02/04/2009 | (725522) |
| 201 | 02/16/2009 | (726273) |
| 202 | 03/27/2009 | (726604) |
| 203 | 03/18/2009 | (726731) |
| 204 | 11/17/2008 | (727485) |
| 205 | 12/18/2008 | (727486) |
| 206 | 12/18/2008 | (727487) |
| 207 | 04/24/2009 | (739887) |
| 208 | 08/13/2009 | (741161) |
| 209 | 04/10/2009 | (741302) |
| 210 | 05/04/2009 | (741618) |
| 211 | 05/18/2009 | (742104) |
| 212 | 05/18/2009 | (742106) |
| 213 | 07/21/2009 | (745746) |
| 214 | 08/04/2009 | (746919) |
| 215 | 02/25/2010 | (747260) |
| 216 | 01/22/2010 | (747282) |
| 217 | 07/21/2009 | (747426) |
| 218 | 06/10/2009 | (747592) |
| 219 | 11/20/2009 | (747602) |
| 220 | 07/21/2009 | (747606) |
| 221 | 08/13/2009 | (747864) |
| 222 | 08/12/2009 | (747867) |
| 223 | 07/21/2009 | (747870) |
| 224 | 07/21/2009 | (747871) |

225 07/24/2009 (747873)
226 09/28/2009 (748457)
227 09/02/2009 (748460)
228 07/27/2009 (748462)
229 07/21/2009 (748463)
230 07/21/2009 (749055)
231 06/15/2009 (749180)
232 07/16/2009 (749643)
233 09/17/2009 (749687)
234 07/21/2009 (749736)
235 09/04/2009 (749814)
236 02/16/2009 (750275)
237 03/11/2009 (750276)
238 04/16/2009 (750277)
239 08/14/2009 (759251)
240 08/21/2009 (759999)
241 10/08/2009 (760318)
242 09/02/2009 (761012)

243 09/16/2009 (762161)
244 10/12/2009 (763115)
245 08/04/2009 (763276)
246 08/14/2009 (765330)
247 08/28/2009 (765498)

248 08/13/2009 (765709)
249 05/12/2009 (768371)
250 06/12/2009 (768372)
251 05/12/2009 (768373)
252 11/23/2009 (779180)
253 12/23/2009 (781696)
254 12/23/2009 (781948)

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| 255 | 01/05/2010 | (782111) |
| 256 | 01/05/2010 | (782355) |
| 257 | 01/06/2010 | (784275) |
| 258 | 01/15/2010 | (785848) |
| 259 | 01/29/2010 | (785853) |
| 260 | 01/15/2010 | (785874) |
| 261 | 12/22/2009 | (786019) |
| 262 | 05/24/2010 | (786834) |
| 263 | 01/26/2010 | (788199) |
| 264 | 01/26/2010 | (788690) |
| 265 | 01/26/2010 | (788810) |
| 266 | 01/26/2010 | (788823) |
| 267 | 01/27/2010 | (788843) |
| 268 | 01/27/2010 | (788914) |
| 269 | 02/19/2010 | (792191) |
| 270 | 05/21/2010 | (793343) |
| 271 | 03/31/2010 | (794262) |
| 272 | 03/19/2010 | (794550) |
| 273 | 03/31/2010 | (794855) |
| 274 | 05/25/2010 | (797648) |
| 275 | 06/17/2010 | (799677) |
| 276 | 06/23/2010 | (799678) |
| 277 | 06/21/2010 | (800153) |
| 278 | 05/10/2010 | (801088) |
| 279 | 05/10/2010 | (801143) |
| 280 | 07/27/2010 | (801557) |
| 281 | 05/18/2010 | (801800) |
| 282 | 05/24/2010 | (802297) |
| 283 | 02/15/2010 | (804671) |
| 284 | 08/20/2009 | (804672) |
| 285 | 09/17/2009 | (804673) |

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| 286 | 10/20/2009 | (804674) |
| 287 | 11/19/2009 | (804675) |
| 288 | 12/17/2009 | (804676) |
| 289 | 01/15/2010 | (804677) |
| 290 | 05/28/2010 | (824427) |
| 291 | 08/13/2010 | (825230) |
| 292 | 07/06/2010 | (825288) |
| 293 | 07/01/2010 | (825360) |
| 294 | 07/28/2010 | (826312) |
| 295 | 07/20/2010 | (826313) |
| 296 | 08/02/2010 | (826315) |
| 297 | 07/15/2010 | (828774) |
| 298 | 09/02/2010 | (829922) |
| 299 | 03/12/2010 | (830889) |
| 300 | 04/20/2010 | (830890) |
| 301 | 05/19/2010 | (830891) |
| 302 | 08/09/2010 | (843653) |
| 303 | 10/29/2010 | (844269) |
| 304 | 06/18/2010 | (846271) |
| 305 | 10/12/2010 | (849414) |
| 306 | 11/05/2010 | (849415) |
| 307 | 09/01/2010 | (850029) |
| 308 | 11/12/2010 | (858272) |
| 309 | 07/16/2010 | (860865) |
| 310 | 09/16/2010 | (864357) |
| 311 | 10/04/2010 | (864780) |
| 312 | 08/11/2010 | (866832) |
| 313 | 10/29/2010 | (872316) |
| 314 | 11/17/2010 | (873419) |
| 315 | 11/17/2010 | (873483) |

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| 316 | 11/17/2010 | (873679) |
| 317 | 09/18/2010 | (873903) |
| 318 | 05/23/2011 | (877660) |
| 319 | 05/09/2011 | (877771) |
| 320 | 05/20/2011 | (877776) |
| 321 | 01/10/2011 | (878170) |
| 322 | 01/04/2011 | (881399) |
| 323 | 10/19/2010 | (881504) |
| 324 | 02/18/2011 | (885229) |
| 325 | 05/12/2011 | (885710) |
| 326 | 01/12/2011 | (886105) |
| 327 | 01/12/2011 | (886106) |
| 328 | 01/12/2011 | (886107) |
| 329 | 03/16/2011 | (886109) |
| 330 | 05/10/2011 | (886110) |
| 331 | 11/19/2010 | (888032) |
| 332 | 01/11/2011 | (890910) |
| 333 | 04/04/2011 | (895193) |
| 334 | 03/16/2011 | (896083) |
| 335 | 12/16/2010 | (896243) |
| 336 | 03/16/2011 | (899043) |
| 337 | 03/16/2011 | (899056) |
| 338 | 03/16/2011 | (899315) |
| 339 | 03/16/2011 | (899316) |
| 340 | 03/10/2011 | (899835) |
| 341 | 03/16/2011 | (899841) |
| 342 | 03/10/2011 | (899844) |
| 343 | 03/10/2011 | (899853) |
| 344 | 03/10/2011 | (899860) |
| 345 | 01/20/2011 | (902307) |

346 05/02/2011 (905130)

347 05/24/2011 (905597)

348 05/23/2011 (908595)

349 02/18/2011 (909088)

350 05/23/2011 (912903)

351 03/17/2011 (916346)

352 04/19/2011 (924810)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

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| Date: | 06/30/2006 | (481516) | CN600127468 |
| Self Report? | NO | | Classification: Moderate |
| Citation: | 30 TAC Chapter 116, SubChapter G 116.715(a) 39142, SC No. 1 PA 5C THC Chapter 382, SubChapter D 382.085(b) | | |
| Description: | Failure to prevent an unplanned compressor shutdown resulting in unauthorized emissions from flaring. | | |

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| Date: | 06/30/2006 | (483867) | CN600127468 |
| Self Report? | NO | | Classification: Moderate |
| Citation: | 30 TAC Chapter 117, SubChapter B 117.206(e)(2) | | |
| Description: | RE exceeded the NH3 emission limit of 10 ppm set forth in 30 TAC 117.206(e)(2). | | |

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| Date: | 09/29/2006 | (509876) | CN600127468 |
| Self Report? | NO | | Classification: Moderate |
| Citation: | 30 TAC Chapter 116, SubChapter G 116.715(a) 39142, SC No. 1 PA 5C THC Chapter 382, SubChapter D 382.085(b) | | |
| Description: | Exceeded permit limits during an avoidable emissions event. | | |

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| Date: | 01/31/2007 | (544545) | |
| Self Report? | YES | | Classification: Moderate |
| Citation: | 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a) | | |
| Description: | Failure to meet the limit for one or more permit parameter | | |

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| Date: | 03/31/2007 | (575353) | |
| Self Report? | YES | | Classification: Moderate |
| Citation: | 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a) | | |
| Description: | Failure to meet the limit for one or more permit parameter | | |

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| Date: | 04/04/2007 | (539574) | CN600127468 |
| Self Report? | NO | | Classification: Moderate |
| Citation: | 30 TAC Chapter 116, SubChapter G 116.715(a) 39142, SC No. 1 PA 5C THC Chapter 382, SubChapter D 382.085(b) | | |
| Description: | Exceeded permit limits during an avoidable emissions event. | | |

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| Date: | 04/10/2007 | (543996) | CN600127468 |
| Self Report? | NO | | Classification: Moderate |
| Citation: | 30 TAC Chapter 116, SubChapter G 116.715(a) 39142, SC No. 1 PA 5C THC Chapter 382, SubChapter D 382.085(b) | | |

Description: Exceeded permit limits during an avoidable emissions event.

Date: 06/04/2007 (561098) CN600127468

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
39142, SC No. 1 PERMIT

Description: 5C THC Chapter 382, SubChapter D 382.085(b)
Failure to exercise good maintenance practices.

Date: 06/30/2007 (575356)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2007 (607555)

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2007 (619522)

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 01/16/2008 (567857) CN600127468

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.345(b)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Title V O-01253; SC 1.A. OP

Description: failed to submit written notification of the performance test for Boiler B-26 within
15 days after the testing was conducted on December 13, 2005

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.345(b)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Title V O-01253, SC 1A OP

Description: failed to submit written notification of the continuous emissions monitoring system
(CEMS) relative accuracy test audit (RATA) within 15 days after the testing was
conducted

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.345(f)(6)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Title V O-01253; SC 1.A. OP

Description: failed to maintain records of hours of operation for Engines DE-07, DE-08, DE-24,
and DE-27

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.345(f)(10)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Title V O-01253; SC 1.A. OP

Description: failed to maintain records of each time the engine is operated for testing and
maintenance for Engines

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Title V O-01253; SC 1.A. OP

Description: failed to meet the CO emission limit of 3.0 g/hp-hr for Engines
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Title V O-01253; SC 21. OP

Description: failed to conduct monthly opacity observations for Stacks
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
NSR 39142; SC 13.D. PERMIT
Title V O-01253; SC 22. OP

Description: failed to retain records of the vent stream flows to flares

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.340(b)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Title V O-01253; SC 1.A. OP

Description: failed to install O2 CEMS for H-13-1421 by the deadline of March 31, 2005
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.340(e)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Title V O-01253; SC 1.A. OP

Description: failed to install CO CEMS for H-13-1421 by the deadline of March 31, 2005 as specified in 30 TAC 117.9020(2)(A)(i)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter G 117.8100(a)(1)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(e)
5C THC Chapter 382, SubChapter D 382.085(b)
Title V O-01253; SC 1.A. & 10.F. OP

Description: failed to continuously monitor CO and NOx emissions from Heater H-13-1480 on December 12, 2005
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1572(c)(3)
5C THC Chapter 382, SubChapter D 382.085(b)
Title V O-01253; SC 1.A. OP

Description: failed to have valid hourly average data of SO2 emissions
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.781(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Title V O-01253; SC 1.A. OP

Description: failed to properly perform fugitive monitoring of components in highly-reactive volatile organic compound (HRVOC) in September 2005
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Title V Permit O-01253, SC 1A OP

Description: failed to maintain the firing rate limits, which were established as a surrogate parameter to the CO emission limit of 400 ppmvd, for Boilers B-7 and B-11
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.725(a)(1)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Title V Permit O-01253, SC 1.M.(i) OP

Description: failed to meet the hourly firing rate limits for boilers and heaters
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.7(b)(1)
5C THSC Chapter 382 382.085(b)
Title V Permit O-01253, SC 16.D. OP

Description: failed to notify the Administrator in writing of the intention to conduct performance tests for Boilers B-27 and B-28
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.310(f)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Title V Permit O-01253, SC 1.A. OP

Description: failed to follow the operating restrictions between 6 a.m. and noon for engines
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter G 117.8040(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Title V Permit O-01253, SC 1.A. OP

Description: failed to conduct quarterly sampling for NOx and CO emissions from Engines DE-27 and DE-34
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.340(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Title V Permit O-01253, SC 1.A. OP

Description: failed to install a totalizing fuel flow meter on Engine DE-27
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)
5C THSC Chapter 382 382.085(b)
NSR Permit 39142, SC 16.H. PERMIT
Title V Permit O-01253, SC 1.A. OP
Title V Permit O-01253, SC 22. OP

Description: failed to repair eight valves and one flange within 15 calendar days
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THSC Chapter 382 382.085(b)
NSR Permit 39142, SC 16.E. PERMIT
Title V Permit O-01253, SC 1.A. OP
Title V Permit O-01253, SC 22. OP

Description: failed to equip eleven open-ended lines with a plug, a cap, or a second valve.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(a)(2)
5C THSC Chapter 382 382.085(b)
Title V Permit O-01253, SC 1.A. OP

Description: failed to conduct monthly visual or physical inspections on 28 process drains
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(c)(6)
5C THSC Chapter 382 382.085(b)
Title V Permit O-01253, SC 1.A. OP

Description: failed to conduct monthly monitoring on three pumps in light liquid service
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Title V Permit O-01253, SC 1.A. OP

Description: failed to take manual samples for flares
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1564(c)(1)
5C THSC Chapter 382 382.085(b)

Title V Permit O-01253, SC 1.A. OP

Description: failed to continuously monitor the Fluidized Catalytic Cracking Unit (FCCU) Coke Burn Rate

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
NSR Permit 39142, SC 67 PERMIT
Title V Permit O-01253, SC 22 OP

Description: failed to keep records of the opacity of emissions from the fluid catalytic cracking unit (FCCU) scrubber stack G-001 on May 14, 2006

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Title V Permit O-01253, SC 1A OP

Description: failed to maintain a gauge/sample hatch on Tank T-321 sealed completely

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.48b(e)(2)
5C THSC Chapter 382 382.085(b)
Title V Permit O-01253, SC 1A OP

Description:) failed to use the span value of 500 ppm for nitrogen oxides on the North Cogen (B-15/T-252) continuous emission monitoring system

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1576(d)
5C THSC Chapter 382 382.085(b)
Title V Permit O-01253, SC 1A OP

Description: failed to keep records required by Table 21 for catalytic reforming unit

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(e)
5C THSC Chapter 382 382.085(b)
Title V Permit O-01253, SC 1A OP

Description: failed to continuously monitor H2S content in the plant fuel gas system

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.726(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Title V Permit O-01253, SC 1A OP

Description: failed to develop, implement, and follow a written quality assurance plan for monitoring requirements relating to HRVOV vent gas control for flares

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.695(a)(1)
5C THSC Chapter 382 382.085(b)
NSR Permit 39142, SC 79 PERMIT
Title V Permit O-01253, SC 1A OP
Title V Permit O-01253, SC 22 OP

Description: failed to continuously measure and record the exhaust gas temperature of the South Plant Tail Gas Incinerator G-193 for one hour

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1569(c)(1)
5C THSC Chapter 382 382.085(b)
Title V Permit O-01253, SC 1A OP

Description: failed to demonstrate continuous compliance with the work practice standards

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
NSR Permit 39142, SC 79 PERMIT
Title V Permit O-01253, SC 22 OP

Description: failed to keep records of the flame temperature of sulfur recovery unit (SRU) thermal reactors

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
NSR Permit 39142, SC 79 PERMIT
Title V Permit O-01253, SC 22 OP

Description: failed to keep records of the Sulfur Pit Sweep data

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
NSR Permit 39142, SC 34 PERMIT
Title V Permit O-01253, SC 22 OP

Description: failed to maintain the pH of the FCCU caustic scrubbing solution between 8.0 and 9.0

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.107(e)
5C THSC Chapter 382 382.085(b)
Title V Permit O-01253, SC 1A OP

Description: failed to include excess emissions details for the GOHT SRU/TGU and the South Plant SRU/TGU in the submittal dated April 28, 2006

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1572(c)(1)
5C THSC Chapter 382 382.085(b)
Title V Permit O-01253, SC 1A OP

Description: failed to maintain the continuous parameter monitoring system for the GOHT Tail Gas Incinerator

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)(1)
5C THSC Chapter 382 382.085(b)
Title V Permit O-01253, SC 1A OP

Description: failed to provide notification of start of construction for Reformate Tank T-569 within 30 days following the start of the construction

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1576(d)
5C THSC Chapter 382 382.085(b)
NSR Permit 39142, SC 48 PERMIT
Title V Permit O-01253, SC 1A OP
Title V Permit O-01253, SC 22 OP

Description: failed to maintain Scrubbing Liquid pH Data or Scrubbing Liquid to Gas Flow Ratio Data for VC-50

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
Title V Permit O-01253, General Terms OP

Description: failed to report all instances of deviations in the deviation reports

Date: 07/09/2008 (670867) CN600127468

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)

Description: Failure to identify the permit number in the Final Report.

Date: 08/11/2008 (688850) CN600127468

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.646(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(b)(1)(i)
5C THSC Chapter 382 382.085(b)
FOP O-01253, Special Term & Condition 1A OP
FOP O-01253, Special Term & Condition 22 OP
Permit 39142, Special Condition 5D PERMIT

Description: Failure to perform primary seal inspections to Tank 478.

Date: 12/08/2008 (687448) CN600127468
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(4)
5C THSC Chapter 382 382.085(b)
FOP O-01253 SC 30A OP
NSR 39142 SC 5 PERMIT

Description: Failure to conduct an inspection of the primary seals for the internal floating roof of tank T-301 at least every ten years.

Date: 01/06/2009 (706089) CN600127468
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
39142, Special Condition No. 1 PERMIT
5C THSC Chapter 382 382.085(b)

Description: Valero failed to prevent the No. 4 Flare from losing its pilots
Self Report? NO Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)

Description: Valero failed to operate the No. 4 Flare with a flame present at all times.

Date: 04/29/2009 (738921) CN600127468
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.4
5C THSC Chapter 382 382.085(a)

Description: During the investigation on March 6, 2009, it was determined by Investigators Lawdermilk and Whelan that the dust from the Valero Refining Texas City Refinery contractor parking lot, between 16th and 17th Streets, Texas Avenue created a "nuisance" condition.

Date: 09/17/2009 (749687) CN600127468
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter F 115.541(a)(1)(B)
5C THSC Chapter 382 382.085(b)

Description: Valero Texas City failed to properly degas Tank 447 from 11/28/2007 through 12/03/2007.

Date: 10/31/2009 (804675)
Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 01/15/2010 (785848) CN600127468
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Special Condition No. 1 PERMIT

Description: Failure to prevent unauthorized emissions. Valero failed to prevent the shutdown of the Train 1 Flare Gas Recovery System during maintenance activities.

Date: 01/29/2010 (785853) CN600127468
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THSC Chapter 382 382.085(b)
 Special Condition No. 1 PERMIT
 Description: Valero failed to maintain a flame on the No. 2 Flare Stack at all times.

Self Report? NO Classification: Moderate
 Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
 5C THSC Chapter 382 382.085(b)
 Description: Valero failed to maintain a flame on the No. 2 Flare Stack at all times.

Date: 02/25/2010 (747260) CN600127468
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)(3)(v)
 5C THSC Chapter 382 382.085(b)
 FOP O-01253 STC 1A OP
 Description: Valero failed to update the Startup, Shutdown, Malfunction Plan (SSMP) at the reforming unit and FCCU Belco Scrubber.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 GTC OP
 STC 3. A (iv) and 3. B (iv) OP
 Description: Valero failed to conduct periodic monitoring of stationary vents subject to the periodic monitoring requirements.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter E 115.412(1)(A)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 STC 1A OP
 Description: Valero failed to cover a degreaser during monthly inspections.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 STC 1H OP
 Description: Valero failed to take manual sample when an analyzer on flare FL-5 and failed to calibrate flow meter probe on flare FL-2.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP O-01253 STC 30 OP
 NSR 39142 SC 12D PERMIT
 Description: Valero failed to operate flare flow monitors when the flow monitors at FL-3 and FL-4 were taken out of service for maintenance activities.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(c)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1564(b)(1)
 5C THSC Chapter 382 382.085(b)
 SC 33 PERMIT
 STC 1A OP
 STC SC 30 OP
 Description: Valero failed to record and maintain data due to problems with Aspen systems when the FCCU scrubber (G-001) pH, flow rate, and coke burn rate data were lost due to DCS problems.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 33 PERMIT
 STC 30 OP
 Description: Valero failed to operate within the required concentration limit when the FCCU

scrubber concentration was not between 8.0 and 9.0 during off-line CEM times.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THSC Chapter 382 382.085(b)
SC 13E PERMIT
SC 14E PERMIT

Description: Valero failed to cap 399 open-ended lines at various units across the refinery.
Violation Category C10.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(2)
5C THSC Chapter 382 382.085(b)
SC 14H PERMIT
STC 1A OP
STC 30 OP

Description: Valero failed to comply with the first repair attempt and final repair timeline requirements for fugitive components.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(3)
5C THSC Chapter 382 382.085(b)
STC 1H (iv) OP

Description: Valero failed to operate Cooling Tower No. 4 (CT-4) flow meter 95% of the time.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 28A PERMIT

STC 30 OP

Description: Valero failed to sample SRU for ammonia.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.345(f)(6)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
STC 1A OP

Description: Valero failed to operate diesel engine DE-27 within the allowable limits when it exceeded its exemption limit of hours on a 12 month basis.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.310(f)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Description: Valero failed to operate diesel engines during authorized time periods.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
SC 20 PERMIT
STC 30 OP

Description: Valero failed to operate Gasoil Hydrotreater (GOHT) Sulfur Recovery unit (SRU) incinerator within the required temperature limit (Category B18 violation).

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
5C THSC Chapter 382 382.085(b)

Description: Valero failed to operate the fuel gas system within the allowable H2S limit of 0.1 grains per dry standard cubic feet (gr/dscf).

Date: 08/13/2010 (825230) CN600127468

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter C 335.62
30 TAC Chapter 335, SubChapter R 335.504

30 TAC Chapter 335, SubChapter R 335.511
30 TAC Chapter 335, SubChapter R 335.513
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11

Description: Hazardous waste determination was not completed.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)

Description: NOR was not updated.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)
30 TAC Chapter 335, SubChapter E 335.112(a)(1)
30 TAC Chapter 335, SubChapter E 335.112(a)(8)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(i)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.15(d)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.174

Description: Inspection log sheet did not provide complete information.

Date: 11/15/2010 (858272) CN600127468

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
STC 1A OP

Description: Failure to make first attempt to repair within five days and re-monitor LDAR components within 15 days after repair C1).

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(c)(2)
5C THSC Chapter 382 382.085(b)
STC 1A OP

Description: Failure to conduct monthly follow up monitoring of LDAR components in VOC service (C1).

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)
SC 33 PERMIT
STC 30 OP

Description: Failure to maintain FCCU scrubber pH between 8 and 9 (C4).

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THSC Chapter 382 382.085(b)
SC 14E PERMIT
STC 30 OP

Description: Failure to plug an open ended line in VOC service (C10).

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 28A PERMIT
STC 30 OP

Description: Failure to conduct monthly ammonia sampling for Sulfur Recovery Unit (C1).

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(2)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
STC 1A OP

Description: Failure to conduct daily ammonia slip monitoring for two boilers (C1).

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1567(c)(1)
5C THSC Chapter 382 382.085(b)

STC 1A OP

Description: Failure to maintain the 24 hour liquid/gas ratio on the CCR scrubber above 0.39 (C4).

Date: 04/04/2011 (895193)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)

Description: Failure to properly complete and submit the discharge monitoring report (DMR) for Outfall 002.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)
30 TAC Chapter 319, SubChapter A 319.7(c)

Description: Failure to calibrate the Outfall 009 composite sampler and sample storage refrigerator thermometers, or check the thermometers against a National Institute of Standards and Technology (NIST)-traceable thermometer, at least annually.

F. Environmental audits.

Notice of Intent Date: 06/02/2008 (684099)

No DOV Associated

Notice of Intent Date: 08/29/2008 (704521)

No DOV Associated

Notice of Intent Date: 01/12/2009 (735551)

No DOV Associated

Notice of Intent Date: 01/24/2010 (797835)

No DOV Associated

Notice of Intent Date: 02/18/2011 (905309)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
VALERO REFINING TEXAS LP
RN100238385

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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2011-0991-AIR-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Valero Refining Texas LP ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that they have certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates an oil refinery at 1301 Loop 197 South in Texas City, Galveston County, Texas (the "Plant").

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During a record review on March 7, 2011, TCEQ staff documented that the Respondent failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 18,790 pounds ("lbs") of sulfur dioxide, 203.71 lbs of hydrogen sulfide, 479 lbs of carbon monoxide, 66.36 lbs of nitrogen oxide and 1,525 lbs of volatile organic compounds were released from Flare Stack Nos. 1, 3 and 5 during an avoidable emissions event (Incident No. 150148) that began on February 2, 2011 and lasted three hours and 34 minutes. The event occurred due to plugging of the Absorber Feed Drum L126630 Top Tap causing a false indication on D-986, which resulted in D-986 overfilling and an increased liquid loading to the upper section of the Absorber Strip Tower (A-166). This caused a high level trip of the Wet Gas Compressor which resulted in flaring.
4. The Respondent received notice of the violations on May 5, 2011.
5. The Executive Director recognizes that by March 5, 2011, the Respondent cleared the absorber stripper feed drum line with steam, installed a high range transmitter on unstabilized naphtha, and installed high flow alarms.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c), 101.20(3) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit O1253, Special Terms and Conditions No. 10, and New Source Review Permit Nos. 39142 and PSD-TX-882M2, Special Conditions No. 1. Since the emissions event could have been avoided by better operational and/or maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of Ten Thousand Dollars (\$10,000) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid Five Thousand Dollars (\$5,000) of the administrative penalty. Five Thousand Dollars (\$5,000) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Ten Thousand Dollars (\$10,000) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Valero Refining Texas LP, Docket No. 2011-0991-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The Respondent shall implement and complete the SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 4 above, Five Thousand Dollars (\$5,000) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director.

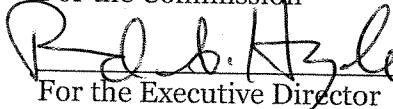
The determination of what constitutes good cause rests solely with the Executive Director.

6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

Date

11/17/11

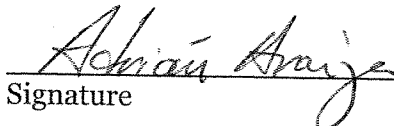
I, the undersigned, have read and understand the attached Agreed Order in the matter of Valero Refining Texas LP. I am authorized to agree to the attached Agreed Order on behalf of Valero Refining Texas LP, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Valero Refining Texas LP waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

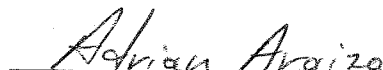
I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

9/2/2011
Date


Name (Printed or typed)
Authorized Representative of
Valero Refining Texas LP

Manager, Environmental Affairs
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section III, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2011-0991-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

| | |
|--------------------------------|--|
| Respondent: | Valero Refining Texas LP |
| Payable Penalty Amount: | Ten Thousand Dollars (\$10,000) |
| SEP Amount: | Five Thousand Dollars (\$5,000) |
| Type of SEP: | Pre-approved |
| Third-Party Recipient: | Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program |
| Location of SEP: | Texas Air Quality Control Region 216 – Houston-Galveston |

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to **Houston-Galveston AERCO** for the **Clean Cities/Clean Vehicles Program** as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality Funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, NOx reduction catalyst technology in combination with diesel particulate filters, and other

Valero Refining Texas LP
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emission control technologies that are developed and approved by EPA or the California Air Resources Board.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions of buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Houston-Galveston Area Council
Houston-Galveston AERCO
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

Concurrent with the payment of the SEP amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the Enforcement Division SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.